Single Bench

(5)

CF 1602

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

Writ Petition No (S) 4813 of 2006

PETITIONER:

S.K. Sandey,
S/o K.R. Sandey,
Aged about 47 years,
Occupation: Service,
Working as Block Education Officer, Bilha, Block: Bilha,
District: Bilaspur,
R/o Tiwari Chhaal,
Rajendra Nagar, Jarhabhata,
Bilaspur, Chhattisgarh.

P.R. No. 4650/06
Presented by Shri Rajendra Shrivastava
dated 11/9/06

- Versus -

RESPONDENTS:

1. State of Chhattisgarh,
Through the Secretary,
Deptt. of School Education,
Mantralaya, D.K.S. Bhawan,
Raipur, Chhattisgarh.

2. Director, Public Instructions,
State of Chhattisgarh,
Raipur, Chhattisgarh.

3. District Education Officer,
Bilaspur, District: Bilaspur,
Chhattisgarh.

4. V.R. Bhurangi, Lecturer,
High School, Pausara,
District: Bilaspur, Chhattisgarh.

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11/9/06
CLERK to A. G. BILASPUR

OATH COMMISSIONER
S.R. Kaushik
11/9/06
BILASPUR TAHSIL AREA

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, DIRECTIONS ETC., IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE

(38)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.4813 OF 2006

Petitioner	:	S.K. Sandey
	versus	
Respondents	:	State of Chhattisgarh and others

Present : Mr. Rajeev Shrivastava, counsel for the petitioner.
Mr. Satish Gupta, Deputy Government Advocate for respondents No.1, 2 and 3.
None appears for respondent No.4.

ORDER
(Passed on 5th of September, 2006)

The petitioner, who was working as Block Education Officer, Bilha, by impugned order dated 30-8-2006 (Annexure P-4), has been transferred as Lecturer, Higher Secondary School, Kirari, District Janjgir. The petitioner has impugned the order dated 30-8-2006 (Annexure P-4) on the ground, firstly, the order is contrary to the transfer policy, secondly, the petitioner was transferred only in the month of October, 2005 and thirdly, education of the children of the petitioner is being disturbed in the mid session of their studies.

2. In view of the decision of the Supreme Court in *Kendriya Vidyalaya Sangathan vs. Damodar Prasad Pandey and others*[1], admittedly, the petitioner has no right to continue on the same place of posting forever and this is for the employer to post an employee in the public interest and in administrative exigency.

3. However, learned counsel for the petitioner submits that the representation dated 31-8-2006 (Annexure P-8) of the petitioner pending before respondent No.1 be considered, keeping in view the family problems of the petitioner and the transfer policy, to which learned counsel appearing for respondents No.1, 2 and 3 has no objection.

4. In view of foregoing reasons, respondent No.1 is directed to decide the representation dated 31-8-2006 (Annexure P-8) of the petitioner on its own merit, keeping in view problems of the petitioner individually and the transfer policy.

5. With the above-stated observation, this petition stands disposed of. No order as to costs.

Certified copy as per rules.

Sd/-
Satish K. Agnihotri
Judge

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1 (2004) 12 SCC 299